

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**PETER KIEWIT SONS', INC., and
KIEWIT CORPORATION,**

Plaintiffs,

VS.

ATSER, LP,

Defendant.

8:08CV541

ORDER

This matter is before the court on the parties' Joint Report on Status of Plaintiffs' Objection to Defendant's Billing Request ([Filing No. 69](#)). The parties report that subsequent to the [Fed. R. Civ. P. 30\(b\)\(6\)](#) deposition taken by the plaintiffs, the parties have not been able to reach an agreement about the reasonableness of the charges contained in the defendant's February 10, 2009, request for interim payment. **See** [Filing No. 41](#). Accordingly, the parties wish to have a briefing schedule developed for resolution of the parties' dispute about the plaintiffs' Objection to the interim payment. **See** [Filing No. 51](#). The parties agreed to delay the plaintiffs' opening brief until after a transcript from the deposition was filed on or about April 17, 2009. **See** [Filing No. 69](#). Upon consideration,

IT IS ORDERED:

1. The plaintiffs' Objection to the interim payment ([Filing No. 51](#)) shall be resolved pursuant to the following briefing schedule:
 - a. The plaintiffs shall file a brief by April 24, 2009.
 - b. The defendant shall file a response brief by May 11, 2009.
 - c. The plaintiffs may file a reply brief by May 19, 2009.
2. Briefs shall set forth the basis for the reasonableness of the charges contained in the February 10, 2009, request for interim payment ([Filing No. 41](#)), and shall include a detailed analysis of the charges, including pinpoint citations to supporting authorities and any supporting documents filed with an index of evidence. **See** [NECivR 7.0.1](#). Any request for hearing should be stated in the brief. **See** [NECivR 7.0.1\(d\)](#) and (e).

DATED this 15th day of April, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge